

IN THE IOWA DISTRICT COURT  
IN AND FOR THE EIGHTH JUDICIAL DISTRICT

<b>ADMINISTRATIVE ORDER RE:</b>  <b>DIRECTIONS TO ATTORNEYS AND SELF-REPRESENTED LITIGANTS FOR FAMILY LAW CASES IN THE 8<sup>TH</sup> JUDICIAL DISTRICT</b>	<b>Administrative Order No. 2018-09</b>
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Those prosecuting and defending family law cases in the Eighth Judicial District of Iowa will be required to comply with the following procedures:

**1. Family Law Requirements Order**

In all cases involving custody or physical care of minor children, a Family Law Requirements Order will be issued upon the case being initiated. The Petitioner shall be responsible for presenting for the court's approval a draft Family Law Requirements Order which substantially complies with Template Order 80FLR, which is attached hereto as Exhibit A. The parties shall comply with the requirements contained in said order. The Clerk of Court shall ensure that when petitions in family law cases are filed, the Family Law Requirements Order is presented to the court for entry.

**2. Temporary Custody/Physical Care**

All applications for temporary custody or physical care of minor children during the pendency of a family law case shall be submitted to the court on a regularly-scheduled court service day, on affidavits only. Upon application for hearing on temporary matters, an order scheduling said hearing which is in substantial compliance with Template Order 8TEMP1 shall be submitted to the court for approval. Attached hereto as Exhibit B is a copy of Template Order 8TEMP1. Upon the court issuing the

order, the parties shall comply with the requirements set forth in Exhibit B prior to the court considering issues of temporary custody and physical care.

The court may, in its discretion, hold an evidentiary hearing upon request of one of the parties for good cause shown.

### **3. Requests for Temporary Support Only**

Submission of applications for temporary support only, not including temporary custody or physical care issues, will be considered without the parties participating in mediation. Such applications will be considered on affidavits only. Those making application for support only shall submit to the court a scheduling order scheduling submission of the application on a regularly-scheduled court service day, on affidavits only. The order shall provide that no application for temporary support will be considered until all affidavits have been on file at least three (3) business days before the submission date.

### **4. Stipulation of Assets and Liabilities**


In any dissolution of marriage case wherein division of assets and liabilities is in dispute, a Stipulation of Assets and Liabilities of the parties shall be filed at least seven (7) days prior to trial. Counsel and their clients and self-represented litigants shall mutually prepare and file said written Stipulation setting forth all of the assets and liabilities of the parties, together with the value of such assets and the amounts of such liabilities. Where the existence of an asset or liability is disputed, or the value of an asset or the amount of a liability cannot be agreed upon, such facts shall be appropriately indicated. In the event one of the parties will not mutually prepare and file the written Stipulation, the other party may file a list of all assets and liabilities with the

same being deemed to be mutually agreed upon by both parties. In the event both parties fail to comply with this Rule, the court may refuse to proceed with trial until such a Stipulation of Assets and Liabilities has been prepared by the parties. The Stipulation of Assets and Liabilities shall comply substantially with the format as shown on attached Exhibit C.

The clerks in each individual county of the Eighth Judicial District shall provide a copy of this Administrative Order to attorneys regularly practicing in their county and to self-represented litigants in family law cases.

IT IS SO ORDERED.

Dated this 8<sup>th</sup> day of June, 2018

  
\_\_\_\_\_  
Mary Ann Brown  
Chief Judge, Eighth Judicial District

**Copies to be distributed by Court Administrator's Office to: Clerks of Court, 8<sup>th</sup> Jud. Dist./District Court Judges, 8<sup>th</sup> Jud. Dist.**

## EXHIBIT A

IN THE IOWA DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY

80FLR

Upon the Petition of  Petitioner,  And Concerning  Respondent.	Case No. _____  <b>FAMILY LAW REQUIREMENTS ORDER</b>  <b>(WITH MINOR CHILDREN)</b>
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This order tells each person in this case what must be done to get final orders from the Court. In cases where a party has requested a temporary custody or visitation order, the Court shall issue a separate order requiring mediation. The requirements of the separate order shall take precedence. These requirements apply to both parties, whether you hire a lawyer or not. In general, you are both required to:

1. Complete a Children in the Middle class within 60 days from the date the case is filed or the date notified the case has been filed;
2. Attend together a mediation session with a mediator within 90 days from the date you receive this order;
3. Give certain financial information to your lawyer, if you have one, and to the other person or their lawyer 15 days prior to the mediation session; and
4. Participate in a pretrial conference with the other party and the other party's attorney to complete the Assets and Liabilities and Pretrial Report that will be set approximately 120 days from the date the case is filed.

These requirements are designed to encourage you and the other person in the case to exchange information and to discuss possible settlement of your case before going to trial before a judge. These requirements are also intended to make trials available more quickly for those who cannot settle their case.

### IT IS THEREFORE ORDERED AS FOLLOWS:

1. **Children in the Middle Class.** You must complete this class within 60 days of the date you filed the case or were notified that a case has been filed. The class will provide you with information about a) children of separated parents and their needs at different ages; b) parenting skills for divorced or separated parents; c) the financial responsibilities of parents following divorce; and d) mediation as a process for helping people talk and listen to each other about what is important to them and best for their children.

If you do not attend this class by the deadline, this may 1) delay the entry of final orders in your case until you have completed the class; 2) hurt your chances of getting what you want if there is a hearing or trial; and/or 3) possibly result in a finding of contempt by the court.

You are responsible for the class fees and for making arrangements to attend the class by calling and registering with an approved agency presenting the class. There is a sheet with this order which provides you with the names of class providers and class schedules.

2. **Mediation Requirement.** Pursuant to Iowa Code Section 598.7, both you and the other party must participate in a mediation session with a mediator within 90 days from the date you receive the order. You must contact the mediator within 7 days from the filing of an appearance or answer, or the date an appearance or answer should have been filed, or whichever occurs first, to schedule your mediation session. The mediator will help you discuss your concerns and possible settlement options in your case, but the mediator will NOT give you legal advice or make any decisions for you. One mediation session is required, but you may find that attending additional sessions will help you resolve your case.

Mediation may not be appropriate when there has been physical or emotional abuse. If you believe mediation is not appropriate, you can request a waiver or excuse from the Court. Please discuss any concerns about this with your attorney or your mediator. No Contact Orders can be changed to permit attending mediation, if mediation is



appropriate. An application for waiver of mediation can be obtained from the Judicial Branch website (found in #6 of this order) or the Clerk of Court.

You and the other person may, and are encouraged to, choose your own mediator. If you cannot agree on a mediator before any required mediation session, you will need to obtain the name of the default mediator whose name you can find on the roster of mediators. Each of you shall individually call the mediator you have chosen together or the default mediator, if you do not agree, to make a joint appointment. You both shall directly call the mediator of your choice or the default mediator to make an appointment before the date listed above. If you choose a mediator who is not on the list, you are responsible for submitting the necessary forms.

**YOU MUST** attend an initial mediation session within the time specified above as set by the Court. You are free to continue mediation after the initial session. You are not legally bound by any agreements made in mediation until the agreements are reviewed by your attorneys, if you have them, have been put in a written document signed by both parties, and is thereafter approved by the Court. The Court has the final authority to approve or not approve all or any part of a settlement.

The cost of the mediation is to be divided between you and the other person in this case, but if you believe you cannot afford to pay a mediator, you can ask the Court to allow you to pay on a reduced fee basis by filing an Application for Appointment of Pro Bono Mediator. This form is available at the Judicial Branch website (found in #6 of this order) or the Clerk of Court.

Failure to attend mediation by the date set by the Court could result in a delay in having your case set for hearing or trial. It could also cause you to be found in contempt by the court.

3. **Financial Information Exchange.** No less than 15 days prior to mediation, you shall give your lawyer, if you have one, and to the other parties or his/her lawyer the following information:
- a. Paystubs or other documentation showing all income from all sources, including all deductions for federal and state taxes, dependent health and dental insurance premiums (including the specific cost of family and dependent health insurance), union dues, mandatory pension withholdings for the past six (6) months;
  - b. Documentation regarding childcare expenses;
  - c. Federal and state income tax returns, including all schedules and W-2's for the last five (5) years;
  - d. An affidavit of financial status (Iowa Code Section 598.13), and child support guidelines worksheet, if applicable.

4. **Pretrial Conference.** A pretrial conference will be set approximately 120 days after case filing. The parties and their attorneys, if any, will meet to discuss the status of their case. At this conference, in dissolution of marriage cases only, the parties will fill out a form called "Stipulation of Assets and Liabilities, Rule 24." This form can be obtained from the Judicial Branch website (found in #6 of this order) or the Clerk of Court. In this form, the parties shall list and value all of their assets and liabilities and they shall identify the issues they have agreed upon and the issues still in dispute. They shall also estimate the time they will need for trial. At the conclusion of the pretrial conference, the parties shall file their completed Stipulation of Assets and Liabilities. If the parties have complied with all of the requirements specified in Sections 1, 2, and 3 of this order, as well as updated and current child support guidelines worksheet, then a trial date will be set at the time of the pre-trial conference. **If the parties have not complied with the requirements of this order, a trial date will not be set at the Pre-Trial Conference.**

5. **Notice.** You must keep the Clerk of Court, Case Coordinators (641) 684-6502, and the other party and his/her counsel advised of your address and phone number at all times. If you are a self-represented litigant you must still comply with all district court rules, and the rules of civil procedure and evidence.

6. **Judicial Branch Website.** The following internet link will provide access to the 8<sup>th</sup> Judicial District's mediation orders. <https://www.iowacourts.gov/iowa-courts/district-court/judicial-district-8/8th-judicial-district-family-law-mediation/>

☐ This order shall be served with the Petition and Original Notice.

## EXHIBIT B

IN THE IOWA DISTRICT COURT FOR \_\_\_\_\_ COUNTY

8TEMP1

Upon the Petition of  Petitioner,  And Concerning  Respondent.	Case No. _____  <b>ORDER WITH DIRECTIONS FOR THE SCHEDULING OF SUBMISSION OF TEMPORARY MATTERS</b>
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An application has been filed in the above-captioned matter seeking an order concerning:

- ☐ Temporary Legal Custody
- ☐ Temporary Physical Care
- ☐ Temporary Shared Care
- ☐ Temporary Child Support
- ☐ Temporary Visitation
- ☐ Temporary Spousal Support
- ☐ Temporary Attorney Fees

Iowa Code Section 598.7 states that you may be required to attend a mediation session if the Court believes mediation may help you and the other person in the case resolve your differences without the Court being involved. The Court believes mediation helps those disputing temporary custody and visitation issues for the following reasons:

- A) Mediation gives you both an opportunity to communicate peacefully about your children;
- B) Mediation encourages you both to make your own decisions about your lives and the care of your children;
- C) Mediation can help you and the other person develop a working relationship so that you both can parent your children effectively while you are going through your case (and afterwards); and
- D) Mediation reduces the trauma experienced by your children, the ones most hurt by parental conflict.

Therefore, you are ORDERED to attend a mediation session before the date set for this hearing on temporary matters. At the mediation session, you and the other person will have the opportunity to discuss how you wish to set up arrangements for care of your children while you are going through your case. If you cannot agree and you go to Court, the judge will make decisions for you on temporary arrangements for care of your children.

You **SHALL**:

- 1) Make an appointment with a mediator 7 days from the date of service of the respondent or receipt of this order, whichever occurs last. Information about mediation and mediators can be obtained from the Judicial Branch Website: <https://www.iowacourts.gov/iowa-courts/district-court/judicial-district-8/8th-judicial-district-family-law-mediation/> or Clerk of Court. The parties shall attempt to agree on a mediator. If you and the other person cannot agree on a mediator, you should make an appointment with the default mediator whose name you can find on the roster of mediators.
- 2) Attend a mediation session with the other person and a mediator at least 10 days prior to the date and time set below for hearing.
- 3) Equally share the costs of mediation with the other person, and pay these costs as required by the mediator.



If you cannot pay for your share of the mediation cost, you may ask the Court to allow you to pay on a reduced fee basis. Request must be in writing and should be made as soon as possible following the first mediation session.

If you meet with the mediator and do not resolve the temporary custody and/or visitation issues, the following hearing is set: **[SCHED\_EVENT(EVENT:HRG;ADDPERIOD:Y)]** This hearing is to be held on affidavits only unless otherwise ordered. **If you do not attend a mediation session, it is most likely that the Court will not hold this hearing.** If you do not attend a mediation session, the court has the discretion to order further mediation of your case at a later date, following the hearing on temporary matters.

You shall file all affidavits, including an affidavit of financial status under 598.13 and a child support guidelines worksheet as required by Rule 9, Iowa Court Rules, regarding custody/visitation issues with the Court any time after you have completed mediation and on or before three (3) business days before the date set for hearing. If you wish to enter a response with the Court to a statement filed by the other person in the case, you are allowed one responsive affidavit and it must be filed prior to the hearing date. **Pursuant to Administrative Order 2015-9 each party shall be limited to filing no more than 25 pages of affidavits or documents. Written materials shall be double-spaced. This does not include financial affidavits or child support guideline worksheets. If a party files more than 25 pages of documents for submission on temporary matters the Court in its discretion may disregard those filed in excess of 25 pages.**

When you file a statement with the Court, you shall fax, email or hand-deliver a copy of your statement to the lawyer for the other person in the case, or directly to the other party if he or she does not have a lawyer. **You shall do this on the same day you file your statement with the Court.**

You must keep the Clerk of District Court and the case coordinators advised in writing of any change of address that occurs while the case is open (pending).

Clerk shall notify all counsel of record and any pro se parties.

IT IS SO ORDERED.

## EXHIBIT C

IN THE IOWA DISTRICT COURT FOR \_\_\_\_\_ COUNTY

IN RE THE MARRIAGE OF \_\_\_\_\_ AND \_\_\_\_\_

Upon the Petition of

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Petitioner,

and Concerning

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Respondent.

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Equity No. CDCV\_\_\_\_\_

## STIPULATION OF ASSETS AND LIABILITIES

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